IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2766 OF 2004
IN
FIRST APPEAL ST.NO. 19406 OF 2004

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Ms.S.Kher i/by M/s.RMG Law Associates for the Appellants.

Mr.H.V.Mehta for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 13th August, 2004.

P.C.:

1. Rule. The Respondents waive service. Heard the learned Counsel for the parties.

2. The demand made by the Respondents is for Rs.10,37,363/-. The said demand includes the contribution and interest. The learned Counsel appearing for the Applicants states that a sum of Rs.3,65,000/- is already deposited with the ESI Court. As the balance amount is not paid the Bank Account of the Applicants has been freezed. The application is for interim relief. Unless the entire amount is deposited, the Applicants are not entitled to any interim relief. Considering the facts and circumstances of the case, the Civil Application is disposed of by the following order:

(i) Till final disposal of the First Appeal, the Respondents are restrained from taking any steps from recovering any amount on the basis of the order dated 3rd August 2004 subject to the Applicants depositing a sum of Rs.6,50,000/- with the Respondents within a period of six weeks from today.

(ii) If the amount is not deposited interim relief granted will automatically stand vacated.

(iii) If the Applicants/Appellants deposit a sum of Rs.1,00,000/- with the Respondents, the attachment of the Bank Account of the Applicants/Appellants will stand removed with immediate effect. The said amount of Rs.6,50,000/- will be inclusive of the said amount of Rs.1,00,000/-.

(iv) It is made clear that the payment of the aforesaid amount by the Applicants/ Appellants to the Respondents will be without prejudice to the rights and contentions of the parties and subject to the final result of the Appeal.

(v) Parties to act on the copy of this order duly authenticated by the Court Sherestadar/ Personal Secretary.

Judge.